Remarks

Claims 1-23 have been examined and claims 24 and 25 have been withdrawn as being drawn to a non-elected invention. Applicants reserve the right to file divisional applications to the subject matter of these claims.

Submitted herewith is a amended sheet of drawings that corrects Fig. 2.

Applicants have amended claims 6 and 22 to address the objections thereto.

Claims 2, 16 and 17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended these claims in an effort to address this rejection. Withdrawal of this rejection is respectfully requested.

Claims 1-5 and 15-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Oshida et al. (U.S. Patent Publication 2002/00140933). Applicants have amended the claims to provide that the invention detects multiple light signals emitted simultaneously from a single focal point on the specimen. This is not taught by and is beyond the capability of the Oshida et al. apparatus. Accordingly Oshida et al. does not anticipate claims 1-5 and 15-21 as presently amended and this rejection should be withdrawn.

Claim 23 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,736,410 to Zarling et al. Claim 23 as presently amended requires that the optical signals are simultaneously emitted from a single focal spot on the specimen. This is not described in Zarling et al. Thus, the rejection of claim 23 under 35 U.S.C. § 102(b) should be withdrawn.

Claims 1-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Mao et al. (U.S. Patent Publication 2003/0228556). Mao et al. is not directed to and does not disclose the use of light emitting diodes (LED) in its apparatus and method for screening compounds. Accordingly, Mao et al. does not anticipate claims 1-23 as presently amended under 35 U.S.C. § 102(e).

Claims 6-9 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Oshida et al. As discussed above, Oshida et al. does not disclose the detection of multiple light signals emitted simultaneously from a single focal point on the specimen. This feature, which is required by the claims as presently amended, is beyond the capabilities of the Oshida et al. device. Thus, the refinements of claims 6-9 and 22 would not be obvious to one of ordinary skill in the art. Accordingly, this rejection should be withdrawn.

Favorable consideration and allowance of claims 1-23 as presently amended is respectfully requested.

If any fees are incurred as a result of the filing of this paper, authorization is given to charge Deposit Account No. 23-0785.

Respectfully submitted,

WOOD, PHILLIPS, KATZ, CLARK, AND MORTIMER

By _____
Martin L. Katz, Reg. No. 23,011

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Citicorp Center, Suite 3800
500 W. Madison St.
Chicago, Illinois 60661-2511
(312) 876-1800